

October 4, 2002

RE: Atkinson Excavating 153-16146-00026  
TO: Interested Parties / Applicant

FROM: Paul Dubenetzky  
Chief, Permits Branch  
Office of Air Quality

## **Notice of Decision: Approval - Effective Immediately**

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 13-15-5-3, this permit is effective immediately, unless a petition for stay of effectiveness is filed and granted according to IC 13-15-6-3, and may be revoked or modified in accordance with the provisions of IC 13-15-7-1.

If you wish to challenge this decision, IC 4-21.5-3 and IC 13-15-6-1 require that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office of Environmental Adjudication, ISTA Building, 150 W. Market Street, Suite 618, Indianapolis, IN 46204, **within (18) eighteen days of the mailing of this notice**. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) the date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons, with particularity, for the request;
- (5) the issues, with particularity, proposed for consideration at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

Enclosure

October 4, 2002

Christian Atkinson  
Atkinson Excavating  
329 West Washington  
Sullivan, IN 47882

Re: Source Specific Operation Status  
**S 153-16146-00026**

Dear Mr. Atkinson:

Your application for Source Specific Operation Status was received on September 23, 2002 and has been reviewed. Based on the data submitted and the provisions in 326 IAC 2, it has been determined that your emission source, a stationary coal mine located at 3501 East CR 50 North, Sullivan, Indiana 47882, has met the criteria required to obtain a Source Specific Operating Agreement. All terms and conditions in such registrations and permits are no longer in effect.

Pursuant to IC 4-21.5-3-5(a) and (b), approval of this Source Specific Operating Agreement shall not be effective until fifteen (15) days from the date of this letter.

The facilities and processes of this source are hereby granted the Source Specific Operating Agreement provided that the following requirements of 326 IAC 2-9 are satisfied:

**Section A: Coal Mine: [326 IAC 2-9-10]**

1. The fugitive particulate matter (PM) emissions from open storage piles, unpaved roadways, and batch transfer processes shall be controlled by applying water or other approved dust suppressant on an as needed basis, such that the following visible emission conditions are met:
  - (a) The visible emissions from the open storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9, except that the opacity shall be observed at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but no more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.
  - (b) The visible emissions from unpaved roadways shall not exceed an average instantaneous opacity of twenty percent (20%). Average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:
    - (i) The first reading shall be taken at the time of emission generation.
    - (ii) The second reading shall be taken five (5) seconds later.
    - (iii) The third reading shall be taken five (5) seconds after the second reading, or ten (10) seconds after the first reading.

Reviewer Name: James Farrell

The three (3) readings shall be taken approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

- (c) The visible emissions from material transfer processes shall not exceed an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of three (3) opacity readings taken five (5) seconds, ten (10) seconds, and fifteen (15) seconds after the end of one (1) material loading or unloading operation. The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but no more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

2. All visible emission readings taken, shall be performed by a qualified observer, as defined in 326 IAC 1-2-62.
3. The fugitive emissions from the coal mine shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to 326 IAC 6-4.
4. The source shall submit an annual fee of six hundred dollars (\$600) to:

**Office of Air Quality  
100 North Senate Avenue  
P. O. Box 6015  
Indianapolis, IN 46206-6015**

no later than January 30 of each year.

5. Include with the annual notice required in Condition 1 of the General Requirements Section, a legal description of the source's location.

**Section B: General Requirements: [326 IAC 2-9-1]**

1. The source shall provide an annual notice to the commissioner, stating that the source is in operation, and certifying that its operations are in compliance with the requirements of this Source Specific Operating Agreement. The above annual notice shall be submitted to:

**Compliance Data Section  
Office of Air Quality  
100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, IN 46206-6015**

no later than January 30 of each year, with the annual notice being submitted in the format attached.

2. Any exceedance of any requirement contained in this operating agreement shall be reported, in writing, within one (1) week of its occurrence. Said report shall include information on the actions taken to correct the exceedance, including measures to reduce emissions, in order to comply with the established limits. If an exceedance is the result of a malfunction, then the provisions of 326 IAC 1-6 apply.
3. Pursuant to 326 IAC 2-9-1(i), the owner or operator is hereby notified that this operating agreement does not relieve the permittee of the responsibility to comply with the provisions of any applicable federal, state, or local rules, or any New Source Performance Standards (NSPS), 40 CFR Part 60, or National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 61.

Any change or modification which will alter operations in such a way that it will no longer comply with the applicable restrictions and conditions of this operating agreement, must obtain the appropriate approval from the Office of Air Quality (OAQ) under 326 IAC 2-5.1, 326 IAC 2-5.5, 326 IAC 2-6.1, 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-7, and 326 IAC 2-8, before such change may occur.

Sincerely,

Original signed by Paul Dubenetzky

Paul Dubenetzky, Chief  
Permit Branch  
Office of Air Quality

JF

cc: File - Sullivan County  
Sullivan County Health Department  
Air Compliance Section - Jim Thorpe  
Permit Tracking - Lisa Lawrence  
Technical Support & Modeling - Michele Boner  
Compliance Data Section - Karen Nowak

<b>Source Specific Operating Agreement Annual Notification</b>
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This form should be used to comply with the notification requirements under 326 IAC 2-9.

<b>Company Name:</b>	<b>Atkinson Excavation</b>
<b>Address:</b>	<b>3501 East CR 50 North</b>
<b>City:</b>	<b>Sullivan, Indiana 47882</b>
<b>Contact Person:</b>	
<b>Phone #:</b>	
<b>SSOA #:</b>	<b>S 153-16146-00026</b>

I hereby certify that Atkinson Excavation is still in operation and is in compliance with the requirements of Source Specific Operating Agreement (SSOA) S 153-16146-00026.

<b>Name (typed):</b>
<b>Title:</b>
<b>Signature:</b>
<b>Date:</b>